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SENSITIVE

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TAGS: [PHUM](#) [KTIP](#) [PREF](#) [ELAB](#) [SMIG](#) [ASEC](#) [KCRM](#) [KWMN](#) [KFRD](#) [GY](#)
SUBJECT: NINTH ANNUAL TRAFFICKING IN PERSONS
ASSESSMENT - GUYANA

REF: STATE 132759

11. (U) The following is Embassy Georgetown's submission of information requested in reftel for the 2009 Trafficking in Persons Report.

12. (SBU) GUYANA'S TIP SITUATION:

1A. Sources of information used to compile this report include: the Guyanese media; the Ministry of Home Affairs; the Ministry of Labor, Human Services and Social Security (MOLHSSS); the Director of Public Prosecutions (DPP); the Guyana Police Force (GPF); the victim's assistance NGO Help and Shelter; the local office of the U.S.-based NGO Catholic Relief Services; the U.S. Department of Labor-funded program EDUCARE, run by Partners of the Americas, which addresses child labor; the Guyana Human Rights Association (GHRA); the International Organization for Migration; and members of Parliament representing both the government and the opposition. Post has also conducted its own investigations, which included talking with prostitutes.

All of these sources have some degree of reliability when it comes to reporting on TIP, but none can be considered authoritative. This illustrates the most vexing challenge when addressing TIP in Guyana: the dearth of verifiable, firsthand evidence that can inform a broader assessment. The aforementioned sources for this report have varying perspectives on the nature and degree of TIP in Guyana, although no source has offered information to substantiate the claim that TIP is a rampant and pervasive phenomenon.

Until recently, no broad-based, thorough surveys regarding trafficking based on firsthand, recent data existed. However, an expansive survey and analysis published in 2008 about the extent of child labor in Guyana, carried out by the aforementioned USDOL-funded Partners of the Americas project EDUCARE, produced some surprising findings regarding the trafficking of children. Of more than 5,000 high-risk Guyanese children interviewed, the survey found that only 20 - less than one-half of one percent of the target population - had engaged in one of the Worst Forms of Child Labor (WFCL), which includes all forms of child trafficking. (Note: The "high-risk" designation referred to the fact that all of the interviewed children were either school dropouts already, or had been attending less than fifty percent of classes.) While this survey did not cover potential trafficking victims at least eighteen years of age, and like any population survey was limited at some level by the laws of statistics, its wide scope and sound methodology give its findings considerable credibility.

1B. The majority of the few reported TIP cases in Guyana are internal trafficking. There have been a few alleged trafficking cases involving Guyanese lured to neighboring countries, although

only one recent case proved to be trafficking. There have been no reported cases of foreign citizens trafficked into or through Guyana. There is no discernable pattern or single destination for trafficking victims within the country; cases have been found at various locations along the coast (where ninety percent of the country's population lives), as well as inland.

1C. Trafficking cases generally involve either forced prostitution or forced domestic labor in locations far from their home community, and sometimes both. Victims are generally forced to work in a bar/restaurant, and have no capacity to return to their home or place of origin, principally due to lack of funds.

1D. The demographic group most vulnerable to trafficking is young Amerindian women/girls, although trafficking cases have also involved women from the country's predominant Indo-Guyanese and Afro-Guyanese communities. Amerindians constitute approximately ten percent of Guyana's population, and are largely concentrated in the country's vast, sparsely inhabited interior. Due to extreme poverty and a lack of local economic opportunity, Amerindian women/girls are thus among the most likely to be lured by the promise of a better job elsewhere. It should also be noted, however, that many such young women (and young men) leave their communities of their own volition, and freely choose to remain in their distant place of employment - often working in very harsh conditions - for the very same reasons of economic desperation.

1E. There are no indications of organized human trafficking rings or criminal enterprises involving internal trafficking cases. All reported cases have involved instances whereby an individual or couple has lured or trapped a single victim. Sources indicate that victims from the interior are generally brought to the coast

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individually, and are reportedly never brought in groups. The few cases of Guyanese who have been trafficked in other countries are harder to comment on, but also appear to have involved isolated individual cases rather than any organized criminal syndicates.

13. (SBU) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

1A. The Government of Guyana (GoG) does acknowledge that trafficking exists in the country - if it did not, it would investigate and prosecute zero cases, and provide zero funds for victims. Absolute denial of the occurrence of TIP, or of the awful impact of the crime on its victims, does not occur at any level of the Jagdeo government (in power since 1999). What the GoG does challenge, and quite vociferously, is the assertion that TIP constitutes a widespread problem in Guyana, and more importantly that the government's actions to combat TIP are/have been wholly inadequate. This sentiment is generally voiced in relation to the State Department's annual TIP report, the release of which results in considerable local media attention, much like the Department's Human Rights Report and International Narcotics Control Strategy Report (INCSR). The GoG's general argument is that while TIP does occur, the incidence is relatively minor, and that the government's efforts to prevent, prosecute, and protect TIP meet and even exceed reasonable expectations for what it should be doing to address the problem.

1B. The Ministry of Home Affairs is the lead GoG agency for combating TIP, with Minister Clement Rohee serving as Chair of the government's National Task Force for Combating Trafficking in Persons. The Ministry of Home Affairs - which also is the agency in charge of the Guyana Police Force (GPF) - is responsible for handling the law enforcement side of TIP. The Ministry of Labor, Human Services, and Social Security (MOLHSSS), led by Minister Priya Manickchand, is the lead agency for victim-related issues. The Guyana Police Force (GPF), the Ministry of Amerindian Affairs, and the Ministry of Education participate in the task force. The task force also includes interested local non-government organizations.

1C. Guyana is a country slightly larger than England, covered mostly in dense forest, and hosts an approximate population of a mere 760,000. Annual per capita GDP is approximately \$1,200, making it the poorest country in South America, and one of the poorest in the Western Hemisphere. The government's recently released annual budget

was its largest ever - a paltry \$640 million. Guyana also has the distinction of having the highest rate of "brain drain" in the world - almost 90% of its college graduates and skilled professionals emigrate due to better opportunities elsewhere. In short, Guyana's geographic size, sparse population, extremely modest financial resources, and dearth of skilled labor greatly limit the efforts the government can make towards addressing any social challenge or problem, TIP included.

1D. The government's task force monitors the government's anti-TIP efforts, and in 2008 produced a report that was available to the public and other interlocutors. The various branches of the government have been transparent both with the embassy and with other external sources in providing data and discussing TIP policy, and has been willing to address TIP cases that come to its attention.

14. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

1A. The Combating of Trafficking in Persons Act became law in 2005. In addition, perpetrators who kidnap or lure victims for purposes of sexual exploitation may be charged under Guyanese Criminal Law Chapter 8:01, Section 87 (forced detention-sex) and sections 72 and 73 (procurement). There is no new legislation to report this year.

1B. Traffickers convicted on summary judgment (lesser offenses) are subject to prison terms of 3-5 years. Traffickers convicted on indictment (more serious offenses) are subject to prison terms of 5 years to life imprisonment. All convicted traffickers are subject to confiscation of property used or gained during the course of the crime and could be ordered to pay restitution to victims. In addition, convicted traffickers face:

- two additional years imprisonment if the person used, threatened to use, or caused another to use or threaten to use a dangerous weapon;

- five additional years imprisonment if the victims suffers a serious bodily injury or if the crime involves sexual assault;

- five additional years imprisonment if the trafficking victim was exposed to life threatening illness or was forced into any addiction to drugs and/or medication;

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- ten additional years imprisonment if the victim suffers a permanent or life-threatening injury;

- three additional years imprisonment if the crime was organized by an organized criminal contingent;

- four additional years imprisonment if the crime resulted from abuse of power or a position of authority.

1C. Punishment of labor trafficking offenses carries the same penalties as trafficking for sexual exploitation.

1D. Guyanese criminal law calls for life imprisonment for rape, five years for sexual assault, and ten years for forced detention for purposes of sexual exploitation. However, judges have discretion in sentencing, with 5 to 10 years imprisonment being the trend. This compares to a possible sentence of 5 years to life under the TIP Act.

1E. The GoG initiated one trafficking prosecution during the reporting period, and continued the prosecution of one other case that was initiated the previous year. The Director of Public Prosecutions recently recommended filing trafficking charges against two individuals in a third case, although as of press time those charges had not yet been filed by police prosecutors. A police investigation continues into a fourth case. All four cases involved alleged commercial sexual exploitation of children. All trafficking prosecutions are based on the 2005 law cited in section 4 above. To date, no trafficking convictions have been obtained.

1F. Several members of the GoG have participated in week-long anti-TIP training provided by the International Organization for Migration (IOM), and those individuals have in turn trained others involved in the government's TIP efforts. For example, in July 2008, the Guyana Police Force instituted a mandatory full-day training

session on trafficking in persons for senior and mid-level officers of its Criminal Investigations Division. This training is conducted by officers who had participated in IOM-provided training previously, and is now carried out on a biannual basis. It covers a variety of areas, including how to recognize and investigate possible TIP cases.

¶G. The government cooperated with governments in Suriname and Trinidad and Tobago regarding reported individual incidents of Guyanese TIP victims in each of those countries. It also reached out to authorities in Barbados relating to a possible TIP case there, although no response was received. (The case turned out not to be trafficking.)

¶H. The GoG has not been asked to extradite any individuals for alleged TIP offenses, nor has it sought the extradition of alleged TIP offenders from other countries.

¶I. In 2006, a member of the GPF was accused of peripheral involvement in a trafficking case, but the case was dismissed from court. There have been no other reports of direct involvement in trafficking cases on the part of government officials, nor is there any evidence that government officials condone or tolerate TIP on an institutional level.

¶J. Not applicable, based on answer provided in previous paragraph.

¶K. Prostitution, including the activities of the prostitute, the brothel owner/operator, clients, and pimps, is illegal in Guyana, but the law is not enforced. Prostitution is openly practiced in some areas; many prostitutes acknowledge their choice to engage in the profession, almost always for the want of a more gainful employment alternative. The age of sexual consent is sixteen years; however, Guyana's 2005 Combating Trafficking Law defines a child as "anyone under eighteen", and specifically affirms that "age of consent to sex shall not be used as a defense to trafficking in persons."

¶L. Guyana does not contribute troops to international peacekeeping missions.

¶M. There have been no reports of child sex tourism in Guyana.

¶5. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS:

¶A. The 2005 Combating Trafficking law gives the government wide authority to provide assistance to TIP victims, and offers both victims and potential witnesses protection from reprisals. In alleged or confirmed trafficking cases, the government has willingly provided social assistance to the victims, including in emergency

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situations. In the recent case of a woman who was a TIP victim in Trinidad and Tobago, the government hastily arranged for a plane ticket for the woman to escape back to Guyana. Upon her return, the government provided vocational training and a stipend to help her reintegrate.

¶B. The country's foremost shelter for victims of domestic violence, Help and Shelter, is also a shelter for TIP victims, and receives a government subsidy. In 2008, the GoG contributed \$45,000 for Help and Shelter's assistance shelter, which constituted a fifty percent increase over 2007 funding. Foreign victims have the same access to care as Guyanese victims.

¶C. The government provides medical and counseling services to TIP victims through the Ministry of Human Services as called for in individual cases.

¶D. As noted earlier, no foreign trafficking victims have been reported in Guyana, although the 2005 law offers equivalent social benefits and protection to foreign victims.

¶E. As noted in paragraph A, when circumstances warrant the GoG does provide social assistance to help TIP victims reintegrate.

4F. When a possible TIP victim is detained or discovered, generally by members of the GPF, the Ministry of Human Services anti-TIP unit is contacted in order to provide assistance or make other appropriate arrangements for the victim. This often involves facilitating temporary residence at a shelter.

4G. In this reporting period there were eight alleged cases of trafficking, although upon further investigation by police five were not actual TIP cases. Help and Shelter reported they have not received any requests for assistance from a TIP victim since 2007, when they had two such cases. (By contrast, Help and Shelter reported that it handled 468 domestic violence cases in 2008.)

4H. The government seeks to identify possible trafficking cases through spot inspections of workplaces by inspectors of the Ministry of Labor, as well as brothel raids by police where trafficking victims are thought to be held. These efforts have resulted in uncovering two potential trafficking cases, although neither proved to be so upon further investigation. (They have also resulted in identifying numerous cases of labor exploitation under Guyanese law, but none that constituted trafficking.)

Additionally, beginning in June 2008, the government's multi-agency task force on trafficking in persons has established "focal points" in communities around the country to help refer possible cases, assist with investigations, and raise public awareness. (In the one case in which trafficking charges were brought this reporting period, a focal point person in the victim's home community played a crucial role in informing authorities.) It is now working to build capacity further among these individuals in identifying potential TIP cases in their respective communities.

4I. No trafficking victims have been jailed, detained, or fined.

4J. The government does encourage victims to assist in the investigation and prosecution of trafficking cases, and the Ministry of Human Services pays to transport victims from their homes to the relevant jurisdiction for legal proceedings against the alleged perpetrators. Nonetheless, crucial victim testimony often does not materialize. Victims sometimes refuse to testify for fear of eventual reprisal, or they stop showing up in court due to the numerous and often arduous trips necessary to see a case to conclusion. (Note: Many legal cases in Guyana take so long to reach resolution that they die out or are dismissed before a judgment is rendered. End Note.) The 2005 law provides victims opportunities to seek legal redress against perpetrators, including through restitution, although this avenue has not been tested in practice. There are no restrictions on material witnesses' freedom of movement.

4K. As noted in paragraph 4F, those government participants in IOM-provided training have begun conducting exercises for law enforcement personnel in how to recognize and investigate possible TIP cases.

4L. As noted in paragraph 5A, the government did provide substantial aid to a Guyanese trafficking victim in Trinidad, including a plane ticket home and financial assistance upon her arrival.

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4M. The local NGOs Help and Shelter, cited above, and Red Thread work with trafficking victims. Both have experienced generally positive cooperation with authorities in TIP cases.

46. (SBU) PREVENTION:

4A. After a nationwide series of awareness and sensitization exercises conducted by Human Services Minister Manickchand in the previous reporting period, the government undertook training activities for the aforementioned community focal points in this reporting period. These sessions, which focused on identifying and reporting on potential TIP cases, were conducted in eight of the country's ten administrative regions; the other two regions will be reached in the coming months. Approximately 100 individuals total participated in these sessions, which each lasted a day.

¶B. The government does not monitor emigration/immigration patterns for evidence of trafficking.

¶C. As noted in paragraph 3(B), the interagency National Task Force for Combating Trafficking in Persons is the primary means for formal coordination, although the TIP units within the GPF and Ministry for Human Services exchange information on a regular basis.

¶D. The government does have a National Plan to Combat Trafficking in Persons, which was produced in 2005. A number of the endeavors it has undertaken stem from its proposals. The government is currently assembling a new action plan that will address its proposed anti-TIP activities for the next few years.

¶E. Since 2005, the government has undertaken numerous and consistent advertising campaigns directed at promoting the "ABCs" (Abstinence, Being Faithful, using a Condom). This is done in the context of promoting HIV/AIDS awareness, although the message of making smart decisions about sexual activity is also relevant to reducing demand for commercial sex acts.

¶F. With a per capita income of approximately \$1,200, Guyana is widely assumed to not have a problem with its nationals participating in international sex tourism, nor has any such information ever been reported. Accordingly, the government has not taken measures to reduce such participation.

¶G. As noted in paragraph 4L, Guyana does not contribute troops to international peacekeeping efforts.

End text.

¶7. (SBU) Embassy Georgetown's point of contact is Rolf Olson, Political/Economic Officer, FS-02, telephone (592)225-4900, ext. 4214, IVG 747-4214, fax (592) 227-0240. This report was drafted in 12 hours; related investigations and meetings involved 60 hours.

JONES